



**US Army Corps  
of Engineers®**

# **SPECIAL PUBLIC NOTICE**

**DECISION TO ACCEPT FUNDS FROM  
THE SAN DIEGO UNIFIED PORT DISTRICT**

*LOS ANGELES DISTRICT*

**Public Notice Date:** July 23, 2009

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The purpose of this Special Public Notice is to announce that the District Commander, Los Angeles District, U.S. Army Corps of Engineers ("Corps") has decided to accept and expend funds contributed by the San Diego Unified Port District (hereafter referred to as the "Port"). The funds would be used to expand Corps resources available to evaluate and process permit applications for Port-designated priority projects. Though the Port would receive more expeditious reviews of their permit applications, the Corps would ensure that regulatory permit decision-making remains impartial and that all applicable procedural and substantive requirements of the Department of the Army ("DA") permit application review process remain unchanged. The decision to accept funds is in response to the large complexity of upcoming DA permit applications submitted by the Port, and the need to devote significant staff time to these applications in order to ensure the Port and the public are best served throughout the permit evaluation process. The decision to accept funds does not constitute any endorsement or implied consent of Port proposed projects; rather, it will enable Corps Regulatory staff to devote the attention required to these applications, in both a timelier and more thorough manner, benefiting both the Port and the public.

On January 15, 2008, the Corps circulated an initial Special Public Notice announcing its preliminary intent to accept and expend such funds from the Port. This Special Public Notice discusses the types of activities for which funds would be expended, and the safeguarding procedures which would be used to ensure that the funds will not impact impartial decision making. Those procedures include the following:

- All final permit decisions for cases where these funds are used must be reviewed at least one level above the normal decision-maker, unless the decision-maker is the District Commander. For example, if the decision-maker were the Regulatory San Diego Section Coast, then the decision-maker for that permit action would be raised to the Regulatory South Coast Branch Chief.
- All final permit decisions for cases where these funds are used will be made available on the

Los Angeles District Regulatory web page.

- The Los Angeles District will not eliminate any procedures or evaluations that would otherwise be required for that type of project and permit application under consideration.
- The Los Angeles District must comply with all applicable laws and regulations.
- Contributed Port funds will not be expended for supervisory or management review of staff-generated permit decision recommendations. Also, funds would not be used for processing administrative appeals of any decisions on Port permit applications. If Port funds are used to hire contractors in support of the Corps permit evaluation process, such contractor products will be drafts only and be reviewed by Corps regulatory program employees, before they are utilized in support of any Corps permit decision.

No comments were received in response to the initial Special Public Notice, and therefore none were considered.

Colonel Thomas H. Magness, Commander of the Corps' Los Angeles District carefully considered the Port's request and the recommendation of the Corps' Regulatory Division, finding that acceptance and expenditure of funds from the Port is appropriate. Col. Magness determined that acceptance of funds will not adversely impact impartial decision-making with respect to regulatory permit applications, either substantively or procedurally. The funding program will better serve the public interest through more cost-effective processing of permit applications, enhanced evaluation capability, and a streamlined permit processing system. The Corps' capacity to evaluate permit applications from applicants not party to this funding agreement would not be adversely affected.

Copies of the relevant documents related to this decision to accept Port funds, as well as any permit decisions in the future, which are evaluated by Port-funded Corps staff, can be viewed at the Corps' Regulatory web page at <http://www.spl.usace.army.mil/regulatory>.